

allegedly anticipated by U.S. Patent No. 6,466,781 (Borgstahl). Claims 1-7, 9-25, 27-36 and 39-43 have been rejected under 35 U.S.C. 103 (a) as allegedly rendered obvious from U.S. Patent No. 6,763,247 (Hollstrom) in view of Borgstahl.

Claim 41 is directed to a mobile terminal for controlling appliances via communication with a local server that stores an appliance control module for the appliance. The mobile terminal includes means for sending a request for the appliance control module, means for receiving from the appliance an address of a remote location where the appliance control module (ACM) can be found, means for allowing input of user instructions and for generating output signals for controlling selected controllable appliances, and means for communicating the output signals to a local server which has the accessed appliance control module.

Borgstahl teaches a method for controlling an appliance by a controller. Although Borgstahl discloses a series of tasks performed to allow a user to control an appliance from a remote controller, (e.g., col. 16, lines 59-67; col. 17, lines 1-16, and col. 10, lines 41-61, as relied upon in the Office Action), Borgstahl does not disclose: (1) a remote location where the appliance control modules (ACM) are maintained; or (2) means to receive an address from each appliance in order to obtain the remotely-contained appliance control module.

Borgstahl states, *inter alia*, that the service-receiving peer 20 (namely an appliance) uploads an appliance control computer program (ACM) to the connected service-providing peer (namely the controller 300, PDA or mobile control terminal) using the service connection. The service-providing peer (PDA) then executes the uploaded ACM, which was *received* from the appliance, in order to allow control of the appliance from the controller. (Borgstahl, col. 10, lines 41-61, as relied upon in the Office Action). Hence, in Borgstahl the appliance control programs (i.e., the ACMs) are stored at the service-receiving peers (the appliance), NOT maintained at a

remote location which is linked by an address and accessible upon request by a mobile control terminal, as recited in independent claim 41. Thus, the controller disclosed by Borgstahl requires each appliance in the network to be **pre-installed with an appliance control computer program** and **each appliance will upload** the program to the controller when the appliance is added to the network.

Further, col. 16, lines 59-67 and col. 17, lines 1-16 of Borgstahl (which have been cited in the Office Action) appear to be concerned with updating the addresses of appliances in a network controlled by a controller. The term "address" in this context refers to the electronic address of the appliance within the local area network. This is entirely different than the remote address (e.g., a manufacturer's website) used to locate the ACM in the present invention.

The Borgstahl system presents a significant drawback. Specifically, it hinders the ability of manufacturers to upgrade the software-controllable features of their appliances by, for example, simply posting an update on their website. For example, using the teaching of Borgstahl, once an appliance is placed in the stream of commerce, e.g., distributed at the wholesale level to an appliance store, etc., the appliance control module stored in the appliances can not be easily modified/upgraded, etc.

The present invention avoids this drawback, as explained on page 12, lines 3-8 of the subject application. Specifically, the mobile terminal recited in claim 41 controls appliances by obtaining a remote location address from the appliance, e.g., an Internet web address such as a URL transmitted from the appliances. With this address, the remote location is accessed whereupon the appliance control module stored at the remote location can be downloaded and installed on the local server. Hence, in the mobile terminal recited in claim 41, there is no need to preinstall appliance control computer programs (ACMs) in the appliances, because the ACMs can be downloaded from

a remote location. It should be pointed out that "remote" in the claims means a location away from the appliance, as opposed to a location stored in memory within the appliance. In accordance with the invention, therefore, upgrades to an ACM can be implemented even after the appliance is placed in the stream of commerce by simply revising the ACM at the remote location and then directing the mobile terminal to obtain the upgraded ACM, i.e. the version of the ACM that exists on the website at the time the website is accessed.

Claim 43 recites an appliance being controlled by the mobile terminal via its corresponding appliance control module in a local environment. The appliance recited in claim 43 includes the means for storing an address of a remote location at which the corresponding ACM can be obtained, which is not disclosed or taught by Borgstahl.

Therefore, claim 41 is patentable over Borgstahl for the reasons stated above. Likewise, claim 43 is also patentable over Borgstahl for similar reasons.

As to claim 1, Hollstrom discloses an apparatus (200) that uses the information access program (240) to control external electronic devices within a local environment. The apparatus in Hollstrom controls and operates the external devices through a "built-in" WAP browser by way of contacting, through a short-range connection, built-in WAP servers of the external devices via the external device interfaces (260, 262, 264). Accordingly, the apparatus disclosed in Hollstrom uses a "built-in" WAP browser with "pre-installed" interfaces to control the functionalities of various external devices (Fig. 2, col. 2, lines 22-38 and 60-67; col. 3, lines 1-6, relied upon in the Office Action, page 3). Hollstrom does not teach or suggest a method for receiving, in response to a request transmitted within a local environment, an address or URL of a remote location from an appliance which maintains the appliance control module for each controllable appliance, obtaining the matching appliance control module by using the address

sent from the appliance and contacting the remote location, installing the appliance control module, providing communication between the local server and the appliance, and accessing the local server with a local controller in the local environment to control the appliance, as recited in independent claim 1.

Borgstahl, as discussed above, also fails to teach or disclose the method of obtaining ACMs by using an address sent from an appliance to contact a remote location maintaining the ACMs. Therefore, Borgstahl fails to cure the deficiencies of Hollstrom. Accordingly, independent claim 1 is patentable over Hollstrom and Borgstahl.

Independent claims 19 and 35 recite a structure and a network, respectively, corresponding to the method recited in independent claim 1. Therefore, independent claims 19 and 35 are also patentable over Hollstrom and Borgstahl for at least the same reasons given for independent claim 1.

Dependent claims 2-7, 9-18, 20-25, 27-34, 36, 39-40 and 42 depending from independent claims 1, 19, 35 and 41 are patentable for at least the same reasons given above.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 

Edward M. Weisz  
Reg. No. 37,257  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: June 20, 2005